REMARKS

This Amendment is responsive to the final Office Action mailed on September 29, 2005. Claim 17 is amended. Claims 5, 6, and 9-29 are pending.

Claims 5, 6, 9-16 and 18-19 are allowed.

Claims 17, 20-25 and 28 stand rejected under 35 U.S.C. § 102(e) as being anticipated by Fiz (US 6,241,731).

Claim 26 stands rejected under 35 U.S.C. § 103(a) as being unpatentable over Fiz in view of Bray (US 6,235,034).

Claim 27 stands rejected under 35 U.S.C. § 103(a) as being unpatentable over Fiz in view of Schenk (US 5,997,541).

Claim 29 stands rejected under 35 U.S.C. § 103(a) as being unpatentable over Fiz in view of Simonson (US 5,681,135).

Applicants respectfully traverse these rejections in view of the amended claims and the following comments.

Discussion of Amended Claim

Claim 17 is amended to clarify that the clamping element is positioned on a bone segment to be stabilized and then the bone screw is screwed into the bone segment through the screw hole of the positioned clamping element in an axial direction until the snap catches interlock with the groove of the bone screw to secure the bone screw to the clamping element.

In other words, with Applicants' amended claim 17, the clamping element is first placed on the bone segment, and then the bone screw is screwed into the bone segment through the screw hole of the clamping element in an axial direction until the groove of the screw interlocks with the snap catches of the clamping element.

In the Response to Arguments section on page 4 of the final Office Action, the Examiner suggests that such an amendment to claim 17 would serve to overcome the rejections based on Fiz. The Examiner indicated that a further search would be required based on such amendments.

As discussed in Applicants' previous Amendment, the cap 7 of Fiz is not equivalent in function or operation to Applicants' claimed clamping element. The projections 10 of cap 7 of Fiz are not inserted into the groove of the screw during the screwing of the screw into the bone segment. Instead, the cap 7 is placed on the screw head 3 and the projections 10 are interlocked with the groove 9 prior to screwing the screw 1 into the bone segment (see Figures 2A-2D and Col. 5, lines 1-35). In contrast to Fiz, with Applicants' claimed invention, the clamping element is first positioned on the bone segment to be stabilized, and then the bone screw is screwed into the bone segment through the screw hole of the already positioned clamping element in an axial direction until the snap catches of the clamping element interlock with the groove of the bone screw to secure the bone screw to the clamping element. Thus, with Applicants' claimed invention, the snap catches interlock with the groove of the screw during the course of screwing the screw into the bone segment through the screw hole in the clamping element.

Further, the cap 7 of Fiz is split by slot 8, defining a C-shaped cap. The cap 7 is resilient and yields radially such that the screw 1 can be pushed through the slot 8 to fit the cap 7 onto the screw head 3 (Col. 4, lines 20-30). Therefore, the projections 10 of cap 7 interlock with groove 9 of the screw 1 when the cap 7 is applied to the screw 1 in a horizontal direction (i.e., by pushing the screw 1 horizontally into slot 8 of the cap 7). In contrast, with Applicants' claimed invention, the snap catches interlock with the groove of the bone screw when the screw is being screwed into the bone segment in an axial direction with regard to the clamping element. In particular, with Applicants' claimed invention, the snap catches interlock with the groove of the bone screw when the bone screw is screwed into the bone segment through the screw hole of the clamping element in an axial direction.

Accordingly, Fiz does not disclose or remotely suggest positioning a clamping element on a bone segment to be stabilized and then screwing the bone screw into the bone segment through a screw hole of the positioned clamping element in an axial direction until the snap catches of the clamping element interlock with a groove of the bone screw to secure the bone screw to the clamping element, as claimed by Applicants.

As Fiz does not disclose each and every element of the invention as claimed, the

rejections under 35 U.S.C. § 102(e) are believed to be improper, and withdrawal of the rejections is respectfully requested. See, *Akamai Technologies Inc., supra.*

Applicants respectfully submit that the present invention is not anticipated by and would not have been obvious to one skilled in the art in view of Fiz, taken alone or in combination with any of the other prior art of record.

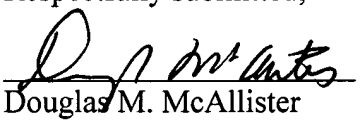
Withdrawal of the rejections under 35 U.S.C. § 102(e) and 35 U.S.C. § 103(a) are respectfully requested.

Further remarks regarding the asserted relationship between Applicants' claims and the prior art are not deemed necessary, in view of the amended claims and the foregoing discussion. Applicants' silence as to any of the Examiner's comments is not indicative of an acquiescence to the stated grounds of rejection.

Conclusion

The Examiner is respectfully requested to reconsider this application, allow each of the pending claims and to pass this application on to an early issue. If there are any remaining issues that need to be addressed in order to place this application into condition for allowance, the Examiner is requested to telephone Applicants' undersigned attorney.

Respectfully submitted,



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